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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/039,321	11/09/2001	Jonathan H. Fischer	42	7381
75	90 09/04/2003			
Ryan, Mason & Lewis, LLP 90 Forest Avenue			EXAMINER	
Locust Valley, 1			nguyen, dung	
			ART UNIT	PAPER NUMBER
			2828	
			DATE MAILED: 09/04/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner   Durig (Michael)   Tolguyen   2628	<u> </u>		Application No.	Applicant(s)			
## Diffice Action Summary    Examiner   Dung (Michael) T Nguyen   2228	Office Action Summary		10/039.321	FISCHER, JONATHAN H.			
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - The period for reply specified above is less than thisty (30) along, a reply which the saturatory minicannel reply to be timely filled and the communication.  - If the period for reply specified above is less than thisty (30) along, a reply which the saturatory minicannel reply in specified and the specific state of the specified for reply specified and the specified reply in specified and the specific state of the specified reply in specified and the specific state is become MARNORING (36 U.S.C. § 113).  - Any performance with the practice of the specified and the specific state is the specified and the specified reply specified and sp							
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be exclusible under the provisions of 37 CPR 1.138(a). In ore vent, however, may a reply be timely filled after SK (6) MONITHS from the mailing date of this communication.  If the pariset for reply specified where is less than thin (50) days, an application of the provision of the provisional application in the provisional application is one of the priority documents have been received.  Extensions of the provision of the provisional application of the provisional application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-17 Is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) 1-17 Is/are rejected.  7) Claim(s) is/are allowed.  8) Claim(s) 1-17 Is/are rejected.  PAUL IP  SUPERMISORY PATENT EXAMINER TECHNOLOGY CENTER 2800  PAUL IP  SUPERMISORY PATENT EXAMINER TECHNOLOGY CENTER 2800  PAUL IP  SUPERMISORY PATENT EXAMINER TECHNOLOGY CENTER 2800  11) The proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in absyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are: a) accepted or b objected to by the Examiner.  12) The oath or declaration is objected to by the Examiner.  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 12	• •						
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1) 🔀 Notice of References Cited (PTO-892)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-948)						

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#### **DETAILED ACTION**

#### Response to Arguments

Applicant's arguments with respect to claims 1- 17 have been considered but are moot in view of the new ground(s) of rejection.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1 and 16-17, the claims fail to recite the structural relationship between the current generator circuit, the input stage, the output stage, and the output indicator. Furthermore, it is not clear that what the output load detection circuit is used to detect.

The remaining claims are dependent on the above rejected claims and therefore are also rejected.

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## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5, 10-11, and 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Seki et al. (US6560256). Seki show in Fig. 1 a driver circuit for an optical source comprising at least an input and output stage, a current generator (36-40) adapted to establish a modulation current, an output load detection circuit, and the output indicator.

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. (USPN 6560256) in view of Link (USPN 5883910). Seki disclose all limitations of the claims except for the input stage and the output stage comprising a differential pair and the intermediate stage. Link teaches in Fig.3 an output stage comprising a differential pair (Q1 and Q2), an input stage comprising a differential pair (Q5 and Q6), and an intermediate stage

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comprising Q3, Q4, Q7, and Q8. For the benefit of a driver circuit, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Seki a differential pair for an output stage and an input stage and a push-pull stage for an intermediate stage as taught by Link.

Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al. (US6560256) in view of Koga et al. (US6266078). Seki disclose all limitations of the claims except for the first and second voltage dividers, first and second comparators, and an output logic gate. Koga teach in Fig. 5 the first and second voltage dividers, first and second comparators (145-146), and an output logic gate 147. For the benefit of controlling the current, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Seki the first and second voltage dividers, first and second comparators, and an output logic gate as taught by Koga.

#### Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung (Michael) T Nguyen whose telephone number is (703) 305-7159. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-5511 for regular communications and (703) 306-5511 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.

Nguyen (Michael) Dung

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